

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 QING CHEN,

11 Plaintiff,

12 v.

13 CITY OF BELLEVUE,

14 Defendant.

CASE NO. C19-1442-JCC

MINUTE ORDER

15 The following Minute Order is made by direction of the Court, the Honorable John C.
16 Coughenour, United States District Judge:

17 This matter comes before the Court *sua sponte*. Plaintiff Qing Chen, a resident of
18 Bellevue, Washington, brings suit against Defendant City of Bellevue. (See Dkt. No. 1 at 1–2.)
19 Plaintiff states that while she was walking in Bellevue in February 2019, she fell and broke her
20 ankle because of gravel Defendant had placed alongside the road. (See *id.* at 7.) Plaintiff asserts
21 that “[t]his is a liability charge and negligence from the defendant caused me substantial personal
22 injury and related losses.” (*Id.*) Plaintiff seeks approximately \$3,000 in out-of-pocket costs along
23 with unspecified damages for pain and suffering, inability to perform her professional work, loss
24 of quality of life, and long-term medical damage. (*Id.*) In her civil cover sheet, Plaintiff states
25 that the Court has jurisdiction because the United States Government is a defendant. (See Dkt.
26 No. 4 at 2.) Plaintiff’s complaint does not assert another basis for the Court’s jurisdiction. (See

1 Dkt. No. 1 at 3–5.)

2 A court may *sua sponte* raise the issue of subject matter jurisdiction at any time during an
3 action. *Allstate Ins. Co. v. Hughes*, 358 F.3d 1089, 1093 (9th Cir. 2004); Fed. R. Civ. P. 12(h)(3).
4 Federal courts generally possess two types of subject matter jurisdiction—federal question
5 jurisdiction and diversity of citizenship jurisdiction. Federal question jurisdiction exists where a
6 plaintiff’s claim arises “under the Constitution, law, or treaties of the United States.” 28 U.S.C.
7 § 1331. Diversity of citizenship jurisdiction exists where the amount at issue in the lawsuit is
8 more than \$75,000 and no plaintiffs or defendants are citizens of the same state. *See* 28 U.S.C. §
9 1332. “If the court determines at any time that it lacks subject matter jurisdiction, the court must
10 dismiss the action.” Fed. R. Civ. P. 12(h)(3).

11 Plaintiff’s complaint does not plead facts demonstrating that the Court has subject matter
12 jurisdiction over this case. While Plaintiff states that the Court has jurisdiction because the
13 United States Government is a defendant, the only named defendant in her complaint is the City
14 of Bellevue. (*Compare* Dkt. No. 4 at 2, *with* Dkt. No. 1 at 1–2.) Plaintiff’s complaint does not
15 assert a claim arising under the Constitution, federal law, or a treaty of the United States, and
16 thus she has not invoked the Court’s federal question jurisdiction. *See* 28 U.S.C. § 1331; (*see*
17 *generally* Dkt. No. 1). And Plaintiff has not pled facts demonstrating that she seeks damages in
18 excess of \$75,000 or that she and Defendant are citizens of different states. *See* 28
19 U.S.C. § 1332; (Dkt. Nos. 1 at 1–2, 7; 4 at 2).

20 For the foregoing reasons, the Court hereby ORDERS Plaintiff to show cause why her
21 complaint should not be dismissed for lack of subject matter jurisdiction. Plaintiff’s response to
22 this order must be submitted no later than 21 days from the date the order is issued and must not
23 exceed six pages in length.

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1 DATED this 3rd day of December 2019.

2 William M. McCool
3 Clerk of Court

4 s/Tomas Hernandez
5 Deputy Clerk